

**PHARMACY EXAMINING BOARD  
JULY 27, 2005  
MEETING MINUTES**

**PRESENT:** Michael Bettiga, R.Ph.; John Bohlman, R.Ph.; Georgina Forbes, Charlotte Rasmussen; Susan Sutter, R.Ph.; Cynthia Benning, R.Ph.

**EXCUSED:** Fred Moskol

**STAFF:** Tom Ryan, Bureau Director; William Black, Legal Counsel; PJ Monson, Bureau Assistant

**GUESTS:** Franklin LaDien, Walgreens Co; Andy Friedley; Dani Friedley; Heather Dulak; Darrin Wiates; Jamie Statz Paynter, Dean Pharmacy; Sylvia Thermley and Steve Rough, UW Hospital and Clinics; Michele Shuster and Nancy Robbins, Neighborcare; Mike Bohrnstedt, Aurora, Inc.; Rich Verschay; Pamela Phillips

**CALL TO ORDER**

Chair Michael Bettiga called the meeting to order at 9:04 a.m. A quorum was confirmed.

**MOTION:** Ms. Rasmussen moved, seconded by Mr. Bohlman, to approve Rich Verschay's attendance in closed session. Motion carried unanimously.

Ms. Sutter announced she will be named as President Elect of the Pharmacy Society of Wisconsin and will be resigning from the Pharmacy Examining Board at the September 2005 meeting.

**APPROVAL OF AGENDA**

**Additions:**

- Between Item M & N – Aurora Pharmacy, Inc variance request, which was later deferred.
- Between Item M & N – Pharmacist and Pharmacy license statistics, year to date.
- Item “Q” – New York Times article: Handcuffs and Stethoscopes.
- Item “Q” – Guidance – expiration dating of unit-dose repackaged drugs.
- After Item “V” – Pet Apothecary correspondence.
- After Item “V” – Neil Noesen petition.
- After Item “V” – Monitoring case - Thomas Pire.
- After Item “V” – DOE Pending Cases.

**MOTION:** Ms. Sutter moved, seconded by Ms. Benning, to approve the agenda with additions. Motion carried unanimously.

## **APPROVAL OF MINUTES OF JUNE 22, 2005**

### **Amendments to the Minutes:**

- Pg. 9 – Concerns regarding the June 2005 exam should be changed to ‘suitability of the exam location to Dr. Showers’.
- Pg. 9 – Public Hearing – Tom Engels of the Pharmacy Society of Wisconsin testified in support of Wis. Admin. Code § 7.04.
- Pg. 12 – Call Center for Multiple Pharmacies – ‘Previously answered’.
- Pg. 12 – Foreign Graduate Internship – scope statement should be ‘drafted’ not modified
- Pg. 12 – Second motion in Foreign Graduate Internship – listen to tape to make as specific as possible –Tom will review. William Black expressed that this concern is dealt with by the Department and wouldn’t necessarily need to be handled by the board.
- Pg. 17 – Correct spelling of Duane Oestreich, R Ph.
- Mr. Bohlman’s name does not include two n’s at the end.

**MOTION:** Mr. Bohlman moved, seconded by Ms. Forbes, to approve the minutes as amended. Motion carried unanimously.

Secretary Jackson thanked the board members for all their efforts. Discussion ensued regarding the processing of cases in the Division of Enforcement. Board members expressed concerns regarding some timelines. Secretary Jackson extended an invitation to board members to contact her with thoughts on completing DOE cases more quickly and efficiently within the current budget limitations.

Secretary Jackson introduced Larry Martin, the new Executive Assistant, to the Board. Mr. Martin will be working to fill the vacant board member seats.

The Board welcomed Pamela J. Phillips to the meeting.

**MOTION:** Ms. Benning moved, seconded by Ms. Forbes, to approve Rich Verschay’s and Pamela J. Phillips’ attendance in closed session. Motion carried unanimously.

### **PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**SHERYL A. AUFENKAMP, R.Ph.**

Michael Berndt, Division of Enforcement, appeared before the Board to present the stipulation in the matter concerning Sheryl A. Aufenkamp, R. Ph.

**MICHAEL L. CHEW**

Jeanette Lytle, Division of Enforcement, appeared before the Board to present the stipulation in the matter concerning Michael L. Chew, R.Ph.

The Aurora Pharmacy, Inc. variance request was deferred to the September meeting.

## **ADMINISTRATIVE REPORT**

NABP/AACP District IV Meeting, November 2-4, 2005:

Noted.

Conference speaking invitations for the ACPE:

**MOTION:** Ms. Sutter moved, seconded by Mr. Bohlman, to designate the chair to determine which board member will speak at the ACPE accreditation conferences held by Marshfield Clinic. Motion carried unanimously.

Budget update:

Mr. Ryan explained that the attorney consolidation plan was not included in the signed budget. The Department will also serve the AODA Boards beginning in 2006.

### **SCOPE STATEMENT RE: WIS. ADMIN. CODE § PHAR 2 AND 17 – FOREIGN PHARMACY GRADUATE INTERNSHIP APPLICATION AND APPROVAL REQUIREMENTS**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Sutter, to publish the Wis. Admin. Code § Phar 2 and 17 scope statement and proceed with rulemaking. Motion carried unanimously.

### **SCOPE STATEMENT RE: WIS. ADMIN. CODE § PHAR 8 – CONTROLLED SUBSTANCES THEFT AND LOSS REPORTING**

**MOTION:** Ms. Sutter moved, seconded by Mr. Bohlman, to publish the Wis. Admin. Code § Phar 8 scope statement and proceed. Motion carried unanimously.

### **WIS. ADMIN. CODE § 7.04 – RETURN OR EXCHANGE OF HEALTH ITEMS**

**MOTION:** Ms. Sutter moved, seconded by Ms. Rasmussen, to send Wis. Admin. Code § Phar. 7.04 to the legislature. Motion carried unanimously.

### **WIS. ADMIN. CODE § 7.05 – DRUG TRANSFERS - STATUS**

Mr. Ryan stated the rule is in final form and will be sent to the legislature on July 28. Ms Sutter requested the subtitle be changed from “Drug Transfers” to “Prescription Records & Transfers”.

### **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION**

Noted.

## **LEGISLATIVE LIASON REPORT**

Ms. Sutter mentioned a bill was introduced requiring a pharmacist be on staff at all times to dispense contraception.

## **CONSULTATION WORK GROUP**

Ms. Benning discussed the consultation exam and the desire to bring the workgroup together again. A report will be presented to the board at the September meeting.

### **Out of state licensure – update**

Noted.

## **IMPAIRMENT ORDERS - DISCUSSION**

Eric Callisto and Michael Berndt supplied the board with the updated standard stipulation language for impairment orders. Mr. Callisto agreed to return to the Board for final review after modifications are made.

## **REMOTE DISPENSING**

The board discussed the proposed statute change draft. Security and accountability are two of the primary concerns in drafting the proposal. The Board decided by consensus that the legislation and the rules should have no impact on drugs imported from other countries.

**MOTION:** Mr. Bohlman moved, seconded by Ms. Benning, to request the advance of the proposed statute change to Wis. Stat. § 450.06 and creation of new Wis. Stat. § 450.065 through the department or legislature. Motion carried unanimously.

**MOTION:** Ms. Benning moved, seconded by Ms. Rasmussen, to request a scope statement for Wis. Stat. § 450.065. Motion carried unanimously.

### **VARIANCE REQUEST – STAFFING PHARMACEUTICAL SERVICES, INC. BARRY SCHULMAN R.PH. – WEST BEND, WI**

Barry Schulman, R.Ph., appeared before the Board to discuss the Pharmaceutical Services, Inc., request for a variance relating to staffing.

**MOTION:** Ms. Benning moved, seconded by Ms. Sutter, to grant a variance to Barry Schulman, R.Ph., for Pharmaceutical Services, Inc. Motion carried unanimously.

**VARIANCE REQUEST – STAFFING  
MALLATT PHARMACY, INC  
JOHN FLINT, JR, – MADISON, WI**

John Flint, Jr. appeared before the Board to discuss Mallatt Pharmacy, Inc.'s request for a variance relating to staffing. Mr. Flint was asked to submit a more specific and detailed request for variance before a decision is made.

**VARIANCE REQUEST – STAFFING  
NEIGHBORCARE INC - MADISON, WI**

Attorney Michelle Shuster and Nancy Robbins appeared before the board to discuss Neighborcare Inc's requests for variance.

The Board requested Neighborcare, Inc to submit a more specific and detailed request for variance before a decision is made.

**VARIANCE RENEWAL REQUEST – TECH CHECK TECH  
UW HOSPITAL AND CLINICS  
STEVE ROUGH, R.PH. – MADISON, WI**

Steve Rough, R.Ph. and Sylvia Themley appeared before the board to report on the experience of the Tech Check Tech variance.

**MOTION:** Mr. Bohlman moved, seconded by Ms. Sutter, to allow an indefinite variance as long as the following is met: 99.8% accuracy over 6 months or 2000 doses, whichever occurs first, and for an annual status report to be submitted to the board. Motion carried unanimously.

**VARIANCE REPORT  
QUAD/MED PHARMACIES, INC  
PATRICK ROSS, R.PH. WEST ALLIS, WI**

A report was submitted to the board for compliance with the variance. Mr. Black will request information regarding how Quad Med is accounting for the quantity of controlled substances being received and destroyed.

**VARIANCE REQUEST RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

**VARIANCE REQUEST – STAFFING  
STREU'S PHARMACY, INC - GREEN BAY, WI**

**MOTION:** Ms. Sutter moved, seconded by Ms. Rasmussen, to grant the equipment variance for Streu's Pharmacy, Inc. Motion carried unanimously.

**MOTION:** Ms. Sutter moved, seconded by Mr. Bohlman, to grant the transfer of the present variance from the old location for Streu's Pharmacy, Inc. to the new location. Motion carried unanimously.

## **PRACTICE QUESTIONS**

### **Drug shipping – St. Armand's Pharmacy - Tim Horvath – Sarasota, FL:**

**MOTION:** Ms. Sutter moved, seconded by Ms. Benning, to send this letter to the Dentistry Examining Board for its consideration. Motion carried unanimously.

## **LICENSING LIAISON REPORT**

Ms Sutter reported that 154 pharmacists were licensed in June.

## **NABP MEETING REPORT**

Mr. Bohlman explained action taken on proposed resolutions and supplied a meeting summary report. Mr. Bohlman also requested that the Department submit the name of D. Jack Myers for recognition at the 2006 meeting.

## **INFORMATIONAL ITEMS**

Noted.

### **Wisconsin Pharmacy Forum Meeting, August 16:**

Mr. Bettiga confirmed the date.

## **CLOSED SESSION**

**MOTION:** Ms. Rasmussen moved, seconded by Ms. Benning, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1)(a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data ( Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Charlotte Rasmussen-yes; Sue Sutter-yes; John Bohlman-yes; Georgina Forbes-yes; Michael Bettiga-yes; Cynthia Benning-yes. Motion carried unanimously.

The Board convened into Closed Session at 2:40 p.m.

## **RECONVENE TO OPEN SESSION TO VOTE ON ITEMS DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Ms. Sutter moved, seconded by Ms. Rasmussen, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:30 p.m.

**DELIBERATION OF STIPULATIONS, FINAL  
DECISIONS AND ORDERS**

**SHERYL A. AUFENKAMP, R.PH.**

**MOTION:** Ms. Sutter moved, seconded by Ms. Rasmussen, to adopt the proposed stipulation, findings of fact, conclusions of law and order in the matter of the disciplinary proceedings against Sheryl A. Aufenkamp, R.Ph. Motion carried unanimously.

**MICHAEL CHEW, R.PH.**

**MOTION:** Ms. Sutter moved, seconded by Ms. Forbes, to approve the proposed stipulation, findings of fact, conclusions of law and order in the matter of disciplinary proceedings against Michael Chew, R.Ph. Motion carried unanimously.

**REVIEW OF APPLICATIONS**

**HARVEY SMITH**

**MOTION:** Ms. Rasmussen moved, seconded by Mr. Bohlman, to allow applicant to apply under 450.03(2). He must take and pass the MPJE and patient counseling examinations in addition to meeting all other requirements for licensure. Licensure under 450.05 is not possible. Motion carried unanimously.

**RICKE WALDMAN**

**MOTION:** Ms. Benning moved, seconded by Mr. Bohlman, to change the internship hour requirement from 1500 to 1000 hours. Motion carried unanimously.

**CONSIDERATION OF ORDER FIXING COSTS  
NEIL NOESEN, R.PH.**

**MOTION:** Ms. Benning moved, seconded by Mr. Bohlman, to deny the petition for extension of time in the Order Fixing Costs in the matter of disciplinary proceedings against Neil Noesen, R.Ph. Motion carried unanimously.

**DOE MONITORING**

**MARK ANDERSON, R.PH.  
REVIEW OF COMPLIANCE WITH BOARD ORDER**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Sutter, to approve reinstatement to full licensure effective today's date for Mark Anderson, R. Ph. Motion carried unanimously.

**THOMAS PIRE, R.PH.  
REQUEST FOR THREE MONTH STAY**

**MOTION:** Ms. Benning moved, seconded by Ms. Forbes, to grant stay with 8 Pharmacist in charge hours and allow him to open and close but not consecutively, and no modification of therapy for Thomas Pire, R.Ph. Motion carried unanimously.

**DIVISION OF ENFORCEMENT - CASE STATUS REPORT/CASE CLOSINGS**

Noted.

**VALIDATION OF EXAM SCORES**

**MOTION:** Ms Benning moved, seconded by Mr. Bohlman, to validate the exam scores of July, 2005. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Ms. Sutter moved, seconded by Ms. Rasmussen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:35 p.m.

**Next Meeting: Sept 7, 2005**